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3 **UNITED STATES DISTRICT COURT**
4 **FOR THE NORTHERN DISTRICT OF NEW YORK**

5 JANE DOE, et al.

6 Plaintiffs,

7 vs.

8 HOWARD ZUCKER, et al.

9 Defendants.
10

Civil Action No.: 1:20 – CV – 0840
(BKS/CFH)

ORDER TO SHOW CAUSE

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12 **ORDER TO SHOW CAUSE**
13 **FOR PRELIMINARY INJUNCTION AND TEMPORARY RESTRAINING ORDER**

14 Upon the annexed: (i) declaration of Sujata Gibson, Esq., sworn to the 24th day of August,
15 2020 and the exhibits annexed thereto; (ii) Plaintiffs' Memorandum of Law in Support of its
16 Motion for preliminary injunction and temporary restraining order; and (iii) the annexed
17 declarations of named plaintiffs, class members; and medical and educational professionals;
18 and (iv) the annexed complaint, it is hereby
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20 **ORDERED**, that the defendants in the above-named lawsuit show cause before this
21 Court, at Room _____ in the United States District Court for the Northern District of
22 New York, located at 100 South Clinton Street, in Syracuse, New York 13261 on
23 _____, 2020 at _____ a.m./p.m. or as soon thereafter as
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25 counsel may be heard, why an order should not be issued pursuant to Rule 65 of the Federal

26 Rules of Civil Procedure:
27 ORDER TO SHOW CAUSE - 1
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- 1) Staying the new regulations pertaining to the medical exemption from school immunization requirements codified in 10 NYCRR §66-1;
- 2) Enjoining defendants from excluding children from school due to lack of immunization if such child has presented a certification from a licensed physician advising against such immunization; and
- 3) Ordering the Defendants to provide notice to schools, districts, and families that Plaintiffs and similarly situated children may attend school and access federally protected programs; and
- 4) For such other and further relief as the Court deems just and appropriate; and it is further

ORDERED that, sufficient reason having been shown pending the hearing of the plaintiff's application for a preliminary injunction, but in no event beyond fourteen days from the start of school in September 2020, unless extended by the Court, the defendants are temporarily restrained and enjoined from

- 1) Implementing and enforcing the new regulations pertaining to the medical exemption from school immunization requirements codified in 10 NYCRR §66-1;
- 2) Excluding children from school due to lack of immunization if such child has presented a certification from a licensed physician advising against such immunization; and
- 3) For such other and further relief as the Court deems just and appropriate; and it is further

ORDERED, that no security should be required of the plaintiffs because defendant would incur no additional expenses from the relief sought herein; and it is further
ORDER TO SHOW CAUSE - 2

